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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,527	01/16/2001	Joseph M. Cannon	20-142	2125

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EXAMINER

CRAVER, CHARLES R

ART UNIT	PAPER NUMBER
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2682

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DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,527

Applicant(s)

CANNON ET AL.

Examiner

Charles R Craver

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2682

DETAILED ACTION

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code, see page 6. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claims 2 and 5 are objected to because of the following informalities:

In using the standard BLUETOOTH, a version or year of the BLUETOOTH standard must be specified. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4, 5, 9-11, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Harris, of record.

Claims 4, 13 and 14: Harris discloses a wireless piconet server (310) comprising a wireless piconet front end, a module (312) for determining authority of GPS locations

received from a mobile station to communicate with a network and comparing said location to boundary coordinates corresponding to a predetermined secure area for access to said network (col 4 lines 18-63). **Claim 5:** Harris discloses BLUETOOTH (col 4 lines 25-27).

Claims 9 and 11: claim 11, and thus claim 9, discloses the inherent method performed by the server of claim 4, and as such is rejected for the same reasons set forth above. **Claim 10:** Harris discloses determining if the GPS location is within the area delineated by the coordinates (col 4 lines 28-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Vaisanen et al, of record.

Claims 1 and 2: Harris discloses a wireless BLUETOOTH piconet device 105 with a BLUETOOTH front-end and a connected GPS receiver (col 1 lines 65-67, col 4 lines 17-37).

Harris fails to disclose a password entry module. However, Vaisanen discloses that password encryption increases security in a BLUETOOTH device (col 2 lines 13-39), so it would have been obvious to one of ordinary skill in the art at the time of the

invention to add security to the invention of Harris by adding password authorization as suggested by Vaisanen.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as applied to claim 4 above and further in view of Vaisanen et al.

While disclosing applicant's invention of claim 4 above, Harris fails to disclose a password entry module. However, Vaisanen discloses that password encryption increases security in a BLUETOOTH device (col 2 lines 13-39), so it would have been obvious to one of ordinary skill in the art at the time of the invention to add security to the invention of Harris by adding password authorization as suggested by Vaisanen.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris as applied to claim 4 above.

Claim 7: since the server is a part of a communications network (connected to a mobile network for calls), other such piconet servers would be connected via the network. While Harris fails to disclose synchronization, such a step would have been obvious to one of ordinary skill in the art in order to update a location (e.g. like an HLR/VLR) in the system using the standard method in a cellular system. **Claim 8:** such an update would inherently occur when the phone updates the location.

Allowable Subject Matter

Claims 12 and 15 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 12 and 15 teach towards a method and system for authorizing a mobile device in a piconet, wherein earth coordinates are received at a BS from the MS and compared to area coordinates in order to allow the two devices to communicate, wherein further the MS has the means to send a password to the network device and the BS has means to compare it to a list of passwords, and only allows the device to communicate on the network only when the area matches and the password matches.

Response to Arguments

Applicant's arguments filed 2-19-04 have been fully considered but they are not persuasive.

Regarding claims 4 and 5, the examiner upholds the rejection over Harris. First, while it is noted that Harris teaches towards excluding devices from a so-called 'hot zone', such as a gas station, Harris does state that not all calls are blocked, but rather some may be allowed (the example being emergency calls), see col 4 lines 56-63 of Harris. This is done 'intelligently' as stated by Harris, in order to allow proper authorization for communications i.e. gaining access. As such, a user in said hot zone may be allowed to gain access to the system, in which case such a reading of Harris would thus anticipate the invention of claims 4 and 5. as to other features of the embodiments of Harris, i.e. alarms, peephole cameras and fuel pump shut-off switches,

Art Unit: 2682

such are ancillary regarding the application of Harris to the instant claims, as Harris teaches all the features of claims 4 and 5 regardless of what added features are disclosed.

Regarding claims 3 and 6, note above the statements regarding the application of Harris. Second, Harris does not teach away from the use of a password, in that Harris does not disclose a completely 'free and open' system since certain calls are blocked and some are authorized; the combined invention of Harris in view of Vaisanen provides a communication system including basic encryption, in which certain calls are blocked based on the location of the user. As Vaisanen notes, basic encryption is an advantage in a BLUETOOTH device. Thus the combination of Harris in view of Vaisanen is not 'non-sensical', as any BLUETOOTH system benefits from basic encryption.

Regarding claims 7 and 8, note the statements in defense of Harris above. Second, the use of inherency in the rejection of claim 8 is considered proper. Under the doctrine of necessary inherency, inherency is proper in a 103 rejection as long as the inherent property is not used in place of a finding of obviousness; for example, a rejection under 35 USC 103 over a reference wherein the lacking teaching is shown to be inherent would be improper, as it would not be a finding of obviousness. However, claim 7 is rejected purely under obviousness, and claim 8 is merely a claim dependent on claim 7, and the limitation of claim 8 is found inherently in the reference already cited. By the applicant's arguments, given a rejection under 35 USC 102 on a given independent claim using a finding of inherency, a 35 USC 103 rejection could not be

constructed over a claim dependent on said independent claim as that rejection would include the finding of inherency used in the rejection of the parent claim, which is incorrect. As such, the examiner upholds the rejection of claim 8 as proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington VA, sixth floor (receptionist).

Art Unit: 2682

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

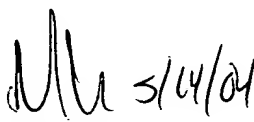
If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

May 14, 2004


CHARLES CRAVER
PATENT EXAMINER